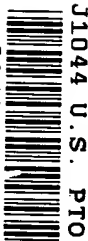


08/20/01



J1044 U.S. PTO

09/33500 082001

Please type a plus sign (+) inside this box → ☐

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	TELNP0139USB
First Inventor	O'Hagan, et al.
Title	PORTABLE DATA COLLECTION NETWORK...
Express Mail Label No.	EL592219249US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 37]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 11]
5. Oath or Declaration [Total Pages 3]
  - a. ☐ Newly executed (original or copy)  
Copy from a prior application (37 CFR 1.63 (d))
  - b. ☒ (for continuation/divisional with Box 18 completed)
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

**ADDRESS TO:** Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Petition under 37 CFR 1.47(a) From Parent Application.....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)of prior application No.: 08 / 867,076

Prior application information:

Examiner Thanh C. LeGroup Art Unit: 2684

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

<input type="checkbox"/> Customer Number or Bar Code Label	<b>23908</b> (Insert Customer No. or Attach bar code label here)	or	<input checked="" type="checkbox"/> Correspondence address below
Name	M. David Galin		
Address	Renner, Otto, Boisselle & Sklar, LLP 1621 Euclid Avenue, Nineteenth Floor		
City	Cleveland	State	Ohio
Zip Code	44115		
Country	US	Telephone	216-621-1113
Fax	216-621-6165		

Name (Print/Type)	M. David Galin	Registration No. (Attorney/Agent)	41,767
Signature		Date	August 20, 200

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.



09/933500

08/20/01

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL**  
**for FY 2001**

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT**

(\$ 890.00)

**Complete if Known**

Application Number	Not yet assigned
Filing Date	Herewith
First Named Inventor	O'Hagan, et al.
Examiner Name	Not yet assigned
Group Art Unit	Not yet assigned
Attorney Docket No.	TELNP0139USB

**METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **18-0988**

Deposit Account Name

- ☒
- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:**

☒ Check ☐ Credit card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

	Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101	710	201 355	Utility filing fee	710
106	320	206 160	Design filing fee	
107	490	207 245	Plant filing fee	
108	710	208 355	Reissue filing fee	
114	150	214 75	Provisional filing fee	

**SUBTOTAL (1)** (\$ 710)**2. EXTRA CLAIM FEES**

	Total Claims	Extra Claims	Fee from below	Fee Paid
	30	-20** = 10	X 18	= 180
Independent Claims	3	-3** = 0	X 0	= 0
Multiple Dependent			X 0	= 0

	Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103	18	203 9	Claims in excess of 20
102	80	202 40	Independent claims in excess of 3
104	270	204 135	Multiple dependent claim, if not paid
109	80	209 40	** Reissue independent claims over original patent
110	18	210 9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** (\$ 180)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

	Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105	130	205 65	Surcharge - late filing fee or oath	
127	50	227 25	Surcharge - late provisional filing fee or cover sheet	
139	130	139 130	Non-English specification	
147	2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112 920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115	110	215 55	Extension for reply within first month	
116	390	216 195	Extension for reply within second month	
117	890	217 445	Extension for reply within third month	
118	1,390	218 695	Extension for reply within fourth month	
128	1,890	228 945	Extension for reply within fifth month	
119	310	219 155	Notice of Appeal	
120	310	220 155	Filing a brief in support of an appeal	
121	270	221 135	Request for oral hearing	
138	1,510	138 1,510	Petition to institute a public use proceeding	
140	110	240 55	Petition to revive - unavoidable	
141	1,240	241 620	Petition to revive - unintentional	
142	1,240	242 620	Utility issue fee (or reissue)	
143	440	243 220	Design issue fee	
144	600	244 300	Plant issue fee	
122	130	122 130	Petitions to the Commissioner	
123	50	123 50	Processing fee under 37 CFR 1.17(q)	
126	180	126 180	Submission of Information Disclosure Stmt	
581	40	581 40	Recording each patent assignment per property (times number of properties)	
146	710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279 355	Request for Continued Examination (RCE)	
169	900	169 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$ )**SUBMITTED BY**Name (Print/Type) **M. David Galin**Registration No. (Attorney/Agent) **41,767****Complete (if applicable)**Telephone **(216) 621-1113**

Signature

Date **August 20, 2001****WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being deposited on the below date with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231.

Dated:

December 23, 1997

Mark D. Saralino  
Mark D. Saralino

j1046 U.S. PTO  
09/933500  
08/20/01

Attorney Docket No. TELNP0139US

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Timothy P. O'Hagan, et al.

Serial No.: 08/867,076

Filing Date: June 2, 1997

For: PORTABLE DATA COLLECTION NETWORK WITH  
TELEPHONE AND VOICE MAIL CAPABILITY

Art Unit: 2202

**PETITION UNDER 37 CFR 1.47(a)**

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Petition hereby is made to accept the enclosed Combined Declaration and Power of Attorney and allow prosecution on the above-identified application by a joint inventor on behalf of an omitted inventor who refuses to sign. This petition is supported by the enclosed Declaration of Facts in Support of Filing on Behalf of Omitted Inventor Under 37 CFR 1.47(a).

Enclosed is a check in the amount of \$130.00 to cover the fee for this petition. The Commissioner is hereby authorized to charge any additional fees to Deposit Account No. 18-0988 .

Respectfully Submitted,  
RENNER, OTTO, BOISSELE & SKLAR

By

Mark D. Saralino

Mark D. Saralino  
Reg. No. 34,243

RECEIVED

OCT 01 2001

OFFICE OF PETITIONS

1621 Euclid Avenue, 19<sup>th</sup> Floor  
Cleveland, Ohio 44115-2191  
(216) 621-1113

g:\shared\brenda\tehn\139 Petition

The PTO did not receive the following  
listed item(s) check \$130

#2

Attorney Docket No. TELNP0139US PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Timothy P. O'Hagan, et al.

Serial No.: 08/867,076

Filing Date: June 2, 1997

For: PORTABLE DATA COLLECTION NETWORK WITH  
TELEPHONE AND VOICE MAIL CAPABILITY

Examiner: -----

Art Unit: 2202

**DECLARATION OF FACTS IN SUPPORT OF FILING ON BEHALF OF  
OMITTED INVENTOR UNDER 37 CFR 1.47(a)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir or Madam:

1. I, the undersigned, hereby make this declaration as to facts which establish: (a) the diligent effort made to secure the execution of the Combined Declaration and Power of Attorney of the omitted inventor, Dr. Ynjiun P. Wang (the "CDPA"), for the above-identified application (the "Application"), before deposit thereof in the Patent and Trademark Office; and (b) Dr. Wang's refusal to execute the CDPA.

2. The Application is a continuation-in-part of Serial No. 08/493,480, filed June 21, 1995, for which Dr. Wang is a named inventor. The Application describes a portable data collection network with telephone and voice mail capability which implements voice communication aspects contributed by Dr. Wang.

00933500-08001  
T000230-00555660

3. By letter dated June 1997, I sent Dr. Wang, through his counsel, a copy of the Application along with the CDPA and associated documents. I requested that Ms. Koesel forward these materials to Dr. Wang for his review and execution. In response, I received Ms. Koesel's letter dated August 27, 1997, a copy of which is attached as Exhibit I. Ms. Koesel stated that she had forwarded the documents to Dr. Wang, but that he could not recall making any contribution to the subject matter of the Application. The CDPA was returned to me unexecuted.

4. By letter dated September 11, 1997, I sent Dr. Wang, through his attorney, evidence of Dr. Wang's contribution to the invention disclosed in the Application, and renewed my request that he execute the CDPA. Copies of this letter and its enclosures are attached as Exhibit II. In that letter, I stated that if I did not receive Dr. Wang's executed CDPA by October 3, 1997, I would consider it a refusal by him to execute that document. In response, I received Ms. Koesel's letter dated September 12, 1997, a copy of which is attached as Exhibit III. In her September 12, 1997, letter, Ms. Koesel stated that Dr. Wang now refused to review the Application or execute the CDPA unless he was reimbursed for his time and legal fees.

5. On September 23, 1997, I sent yet another letter to Dr. Wang's attorney, Ms. Koesel, in an attempt to secure his review of the Application and execution of the CDPA. A copy of that letter is attached as Exhibit IV. In my September 23, 1997 letter, I reminded Dr. Wang that he had no right to his requested payments, and I again stated that if I did not receive his executed CDPA by October 3, 1997, I would consider it a refusal by him to execute that document. In response, I received Ms. Koesel's letter dated September 26, 1997, a copy of which is attached as Exhibit V, in which she stated that Dr. Wang continued to deny that he was an inventor in the Application.

00933500-08001  
100280-00933500

6. As of the date of this Declaration, I have not received Dr. Wang's executed CDPA in connection with the Application.

7. The last known address of Ynjiun P. Wang and the address of his attorney are:

Residence\*

Ynjiun P. Wang  
5235-17 Red Cedar Drive  
Fort Myers, Florida 33907

Attorney

Margaret M. Koesel  
Porter, Wright, Morris & Arthur  
Huntington Building, Suite 1700  
925 Euclid Avenue  
Cleveland, Ohio 44115-1483

Date:

12/22/97

Jay R. Paeges, Esq.  
Goodman Weiss Miller LLP  
100 Erieview Plaza, 27<sup>th</sup> Floor  
Cleveland, Ohio 44114-1824

[illegible]

\* Upon information and belief, Dr. Wang has relocated to California at an address known to his attorney.

EXPRESS MAIL NO. EL592219249US

Date of Deposit: August 20, 2001

I hereby certify that this patent application (along with any other paper referred to as being attached or enclosed) is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to:

BOX PATENT APPLICATION  
ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231.

David Friedman

(Typed or printed name of Sender)

  
(Signature)

CA109\CASES\tehn\p0139usb\tehn\p0139usb.express mail cert

0933500-082001